

The What, Where, and How of Distance Education



If you haven't yet encountered it, you will. Educators and politicians are trying to figure out what to do with it. Many say it's the "wave of the future." It's distance education—also known as distance learning—the process of extending learning, or delivering instruction, from one site to another using communications technology. Another product of the technological revolution, it is already transforming education as we know it—and it's bound to affect libraries along the way.

The concept of educating students at a distance is not new. Distance education has existed in the U.S. for more than a century—initially as correspondence courses, then independent study using live or taped radio or television programs. Today, using teleconferencing and network communication, distance education can be a completely interactive, multimedia experience.



Educators are eagerly embracing technology to expand the convenience and geographic reach of their course offerings. With 75% of our aging workforce expected to need retraining in the next 10 years, distance education will be an essential tool for providing critical, yet affordable, employee training. It is now used for continuing education in a variety of fields, and allows academic institutions to stretch limited budgets as they provide more flexible adult education. One of the most exciting aspects of distance education is the opportunity for students to learn from the best available educators and experts on a given subject—regardless of their location or institution.

The Numbers

A 1995 survey by the U.S. Department of Education found more than 750,000 students were formally enrolled in 25,000+ distance



education courses at various two- and four-year colleges. A third of higher education institutions offered distance education courses in fall 1995, and another quarter planned to offer such courses in the next three years. In the 1994-95 academic year, an estimated 3,430 students received degrees, and 1,970 received certificates, exclusively through distance education. Of the institutions offering distance education courses, 81% offered courses designed for undergraduates, 34% for graduate students, 39% targeted professionals seeking recertification, and 49% targeted workers seeking skill updating or retraining. (Information specific to law schools was not part of this study, but is now being gathered by the ABA.)

In fact, higher education is only the beginning. Elementary and secondary schools are using distance learning to improve students' access to information sources worldwide. They are tapping into technology, and the Internet, to provide everything from courses and virtual field trips for students to staff development and certification programs for teachers.

How It Works

Whatever its institution or audience, a distance learning program typically uses various technologies to connect learners and instructors to each other, and to the countless educational resources now available. It may involve telephone technology, computer technology, audiographic and video technology, or some combination of these technologies, to supplement or replace traditional on-campus instruction. Some examples of how they are used:

- ▶ **Instructors communicate** with students via computer networks, using electronic bulletin boards, listservs, Web sites, or specialized discussion pages on which participants can link their messages directly to key materials available on the Internet.

In 1989 I became involved in distance education when I designed and taught a course on law library management for law firm administrators. The technology of the time enabled me to reach students in remote locations by using videotaped lectures and a statewide telecommunications network for weekly class discussions. Today those methods seem crude, but at the time I was excited about this means of teaching. The program affected my library, as most of the students did not have local access to many of the resource materials necessary for the class.

As librarians of the 21st century, we will be called on to understand, support, design, and provide education to both the users of our libraries and to our co-workers using distance learning. Law firm and public law libraries are becoming involved in continuing legal education by adding video and audiotapes to their collections and providing satellite downlinking capabilities. Academic law librarians have had even more experience in actually providing support for such programs. AALL is firmly committed to distance education to extend training opportunities to our members and their staffs who cannot attend Annual Meetings.

This briefing has been prepared to help you understand the implications of distance education for the library and for AALL, and to see how far we have come from audio and videotaping. I appreciate the assistance of Sally Wiant, Director of the Law Library and Professor of Law at Washington and Lee University, who pointed us in the right direction, and other AALL members mentioned in this briefing. They have helped us and will help you to see not only the issues involved, but some of the realities of harnessing new technologies to provide distance learning to both law librarians and their patrons.

Gudy Meadows

inside:



Learning From Libraries' Experiences.....	24
Will Law Schools Go The "Distance"?	24
The Copyright Question.....	25
AALL and Distance Education.....	25

Learning From Libraries' Experiences

A library may be involved in supporting distance education in a number of ways, including:

- **assisting faculty** with instructional support, design and evaluation;
- **finding sources** and developing multimedia, electronic case books, or other supporting materials;
- **providing training** on Internet or equipment use;
- **providing testing centers** for distance learning students; and
- **coordinating or providing library support** and reference materials for off-campus students.

At **California Western School of Law**, the law library was very involved in a recent distance education course on Advanced Telecommunications Law, offered jointly with Cleveland's Marshall College of Law. The library helped collect materials and develop the electronic case book, an

online compilation of LEXIS, WESTLAW and Internet sources. The class was held at the library's student computing lab, so staff had to be on hand to ensure sites were linked, equipment worked, and students knew how to use it.

The event required much coordination and support between the two institutions, says Library Director Phyllis Marion. She suggests allowing several months' lead time to work out details of distance learning programs, and building flexibility into any new facilities so they can handle technology enhancements.

Rita Reusch is Law Library Director at the University of Utah, which is involved in **Western Governors University**, a digital education initiative supported by 15 western states. Rita sees distance education as a new, challenging service area for libraries. "Library use will increase when distance education is taking place from one area to another, because users go to their local libraries first when they

need support," she says. "Having reciprocal agreements among several institutions means any student with a valid ID is entitled to the same service. If an academic library is designed to serve only the students in that institution, and you can't predict the needs of people enrolled in distance education courses offered from a remote site, that affects planning and expenses."

Wes Cochran, Law Library Director and Professor of Law at **Texas Tech University**, spent two years planning and budgeting library support for a distance education program to serve law students in another city. "Law librarians should be involved early in the planning process," he says, "so administrators fully understand the support needed and costs involved with a project." He suggests deciding in advance whether services to off-campus students must be equal in all respects to those at the originating location, and then planning the resources required for their support.

WILL LAW SCHOOLS GO THE "DISTANCE"?

Distance education is a "hot topic" within the legal education community, which is exploring ways it can adapt to technology. A major restraint on law schools adopting distance education is the American Bar Association's current standard prohibiting correspondence study.

Recognizing the potential for distance education, the ABA has set temporary distance learning guidelines, which will permit ABA-member schools to use distance education to deliver certain courses to a law school and will allow certain distance learning experiments to be conducted on a case-by-case basis. The ABA Section of Legal Education and Admissions to the Bar earlier this year created a Technology Committee, chaired by University of Alabama Law School Dean Ken Randall, to review distance learning, survey law schools' interest, and explore applications for distance learning technology.

Some current course experiments: **Nova Southeastern University** connects a Ft. Lauderdale law school classroom via videoconferencing to students working off-site at externships around the country. They tune into class using camera-equipped PCs, which are connected via modems from their temporary offices. The technology enables personal interaction and information-sharing, and allows for occasional guest speakers (externship sponsors) to make presentations to the class using students' video connections.

Peter Martin, Professor of Law and Co-Director of the Legal Information Institute at **Cornell University**, teaches a Copyright in the Digital Environment course to 30 students located at Cornell, Chicago-Kent, University of Colorado, and the University of Kansas Law Schools. Assignments and course

readings are posted on Web pages, and are discussed during the week on a Web-based conference site. The class meets once a week for a live videoconference among the four locations, as well as separately in local teams. Each institution obtains academic accreditation and awards credits to students in keeping with its own policies. Prof. Martin evaluates and grades students according to each law school's individual requirements.

The **University of Alabama Law School** offers a graduate tax program for practicing attorneys that is available to six sites across the state via two-way videoconference, with course materials accessible on the World Wide Web. The law school hopes to make the course available outside the state in the near future.

The Copyright Question

Determining what is fair use of copyrighted material is a major issue in distance education. Like other rules developed in a print-based world, the Copyright Law of 1976 limits the use of print, audio, video, and other works for distance education applications.

"Publishers are very concerned about losing control of their materials because of distance learning."

According to copyright expert Lolly Gasaway (Director of the Law Library and Professor of Law at the University of North Carolina at Chapel Hill), the major copyright implication is the performance right for copyrighted materials. Section 110(1) of the Copyright Act permits teachers in non-profit educational institutions to perform any work face-to-face in a classroom environment. But section 110(2) limits similar use in distance learning applications, stating that the only works that can be performed outside a classroom environment are non-dramatic literary and musical works. So, she explains, "you could not use a videotape or audiovisual work on a distance learning broadcast without permission of the copyright holder, where you could in a normal classroom environment."

"Publishers are very concerned about losing control of their materials because of distance learning," she says, "and they are also concerned about downstream copying—they don't want students to be able to make a videotape of a class session that contained the performance of a copyrighted work." She cautions all law librarians to be aware of these issues and to be sure to pay royalties where they are due to avoid copyright infringement.

Congress and CONFU

A few members of the U.S. Congress and the information world are beginning to take steps to accommodate the needs of distance education in the digital age. AALL, through the Digital Future Coalition and with the other library associations, has been actively engaged in promoting distance learning.

AALL applauded the introduction of the "Digital Copyright Clarification and Technology Act of 1997" (S.1146) on September 3, 1997 by Sen. John Ashcroft (R-MO). The bill would amend Section 107 of the Copyright Act to clarify that the Fair Use Doctrine applies in the digital environment. It fosters distance learning in a broad range of educational settings. Rep. Rick Boucher (D-VA) is preparing to introduce a similar bill in the U.S. House of Representatives.

The **Distance Learning Working Group of the Conference on Fair Use (CONFU)**, a committee representing publishing, library, and academic organizations, continues its work to develop guidelines for fair use related to distance learning. The group's goal is to achieve agreement on statements of "best practice" that copyright holders and educators can follow to maintain balance between the rights of the copyright holder and users.

Two subcommittees of CONFU have yet to reach agreement on Interlibrary Loan and Electronic Reserves—issues of critical importance to distance learning. Publishers remain highly sensitive to sharing materials electronically, even for distance education purposes. Until an agreement is reached at CONFU, or until the copyright law is changed, distance learning students can only access reserve material in person, at the library of the college originating their course, even if they attend classes at a distant location.

Four AALL members represent various constituencies at CONFU, including AALL Washington Affairs Representative Bob Oakley. He actively participates in CONFU, taking a leadership role in the discussions and commenting on draft reports. The CONFU distance learning guidelines are published at: <http://www.uspto.gov/web/offices/dcom/olia/confu/appendix.htm#j>

AALL and Distance Education

AALL's Professional Development Committee has made distance education a priority in its 1997-2000 strategic plan. The plan calls for one distance education event during 1997/1998 and two distance education events to be held in each subsequent year.

In March 1997, AALL co-sponsored a videoconference, "**The Future for Librarians: Positioning Yourself for Success**," with the Medical Library Association, the Special Libraries Association, and LEXIS-NEXIS. At this event, AALL alone registered 34 sites, which hosted more than 700 attendees. Using today's technologies, the number of members who receive quality educational programming from the Association will continue to increase. Having gained experience from this past year, AALL will again offer a satellite videoconference, targeted for April 16, 1997, on technological change in the workplace.

Look for more details on the agenda and information on hosting a downlink site soon! If you have any questions, please contact Lara Koban (Educational Program Coordinator) at lkoban@aall.org.

Other AALL activities:

- **AALL Washington Affairs Representative, Robert Oakley** (Law Library Director and Professor of Law at Georgetown University Law Center), **presented testimony** on behalf of AALL and 17 of the nation's principal educational and library organizations at a September 3, 1997, Congressional hearing. He praised Sen. John Ashcroft for his initiative in proposing the "Digital Copyright Clarification and Technology Act of 1997" (S.1146), which supports the interests and needs of libraries in the digital environment. A copy of the testimony and a letter to Sen. Ashcroft can be found at <http://www.aallnet.org> (Washington Affairs).
- **President Judy Meadows has asked the AALL Copyright Committee** to discuss and recommend steps AALL can take to guide law librarians dealing with distance education and the services required.
- AALL representatives will also discuss these issues on members' behalf at the quarterly meetings of the **ABA Section of Legal Education and Admissions to the Bar**.

The What, Where, and How of Distance Education continued from page 23

- ▶ **Class materials** are posted on Web pages, accessed via hypertext links to other Internet sites, or provided as electronic casebooks via computer networks.

Lectures are delivered via video-conference, or transmitted by microwave or satellite broadcast, with audio or video links to other sites allowing questions and discussion.

- ▶ **Interaction among "classmates"** can be done via video or audio links to various sites, as well as through on-line discussion and conference calls.
- ▶ **Course material is viewed** simultaneously at several sites on computer or video screens using computer or video conferencing, visited simultaneously on the Internet, or accessed online at students' convenience via bulletin boards or specialized Web pages.

What It Takes

An obvious prerequisite for distance education is the equipment to make it happen. Facilities and courses are as varied as the hundreds of institutions now offering them. Each instructor uses technology differently, depending on the course objective, content, student need, and available support. Accomplishing the task may involve:

Videoconferencing studios (commercial or on-campus)—including video monitors, microphones and audio connections, and video broadcast capability

Audiographic connections—computer labs with speakerphones or other audio connections that allow students to discuss by telephone, or hear over the Internet, information available on Web pages

Portable computer workstations with videocameras—connecting individual participants in remote locations to central videoconferencing sites

Computer workstation, modem, and Internet connections—to access the Internet, e-mail, bulletin boards, and other resource-sharing technologies

Videotape—recordings of course sessions or materials loaned from instructors or library

Broadcast/Cable—sometimes offered within a specific area by local TV and cable companies

Data Networks—linking institutions for telephone and data communication and, potentially, satellite and compressed digital video broadcast

Cooperative Efforts

Funding is an issue for many institutions, which need to acquire, update, and maintain equipment, and hire the technicians and instructors needed to ensure it is properly used. Several states and institutions are joining together to serve the needs of the public while sharing the responsibility and cost. Efforts are now underway to create virtual universities in California and Texas, and 15 western states are providing funding and educational resources for Western Governors University, a digital university initiated by the governors of Utah and Colorado.

The Issues of a New Frontier

Seizing the distance learning opportunities made available by technology demands new ways of thinking on the part of institutions and government, whose foundations were built in a print-based world. Leaders in academia, government, and the legal community are grappling with:

Accreditation—Regional organizations, which currently accredit higher education in specific geographic areas, need to decide who is responsible for accrediting distance education programs that cross regional boundaries. The ABA must also make some decisions regarding distance education programs in law schools.

Faculty compensation and scheduling—How is a faculty member of one institution compensated for a distance education course serving students at several others? How does the originating institution determine appropriate course load for faculty members teaching students several states away?

Course credit and payment—When a student from one institution participates in distance education originating from another, which awards credit and which collects tuition?

Library and resource support—which institution is responsible for providing the library materials and staff support required to achieve the appropriate educational experience for distance learners?

Distance Education at library schools

Distance education is alive and growing at library schools across the country. According to the 1997 Association for Library and Information Science Education (ALISE) *Statistical Report*, **more than 900 off-campus courses were offered last year at 40 ALA-accredited library schools.** Twenty-three schools reported using telecommunications to deliver courses, compared to 10 schools in 1992. The largest off-campus programs were at San Jose (223 students), South Carolina (184 students), Indiana (161) and South Florida (109). Florida State plans a computer master's program at four sites via interactive video conferencing; Illinois and Syracuse both offer graduate programs via the Internet.

Resources

Instructional Telecommunications Council — Web site (<http://www.sinclair.edu/communit/itc>) contains a variety of background information and Web links to sources on distance education.

— *New Connections: A College President's Guide to Distance Education*, edited by Chris Dalziel

Western Governors University Web site (<http://www.westgov.org/smart>)

University of South Carolina College of Library and Information Science — Web Site (<http://www.csd.sc.edu/>) includes individual faculty and staff pages with specific course outlines and materials

"Copyright and Distance Education," by Kenneth D. Crews, available at <http://www.ind.net/IPSE/ldhandbook/copyrt.html>

Libraries and Other Academic Support Services for Distance Learning, edited by Carolyn A. Snyder and James W. Fox, 1997, JAI Press, ISBN 0-7623-022901

